

REMARKS

Restriction Requirement

In the above-identified Office Action, the examiner set forth a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

- Group I: Claims 1-14, drawn to DNA by SEQ ID NO. 2, SEQ ID NO.:3, classified in class 536, subclass 23.1.
- Group II: Claims 1, 5-6, 10, 12, 13-14, drawn to DNA as depicted by SEQ ID NO.:5, classified in class 536, subclass 23.1.
- Group III: Claims 1, 7-9, 13-14 drawn to DNA as depicted by SEQ ID NO.:6, classified in class 536, subclass 23.1.
- Group IV: Claims 10-11, 13-14, drawn to a MIR molecule as depicted by SEQ ID NO.:1, classified in class 536, subclass 23.1.
- Group V: Claims 15-24, drawn to a method of inducing cardiac muscle phenotype, classified in class 435, subclass 91.1.

In response, Applicants hereby elect Group II (Claims 1, 5-6, 10, 12, and 13-14), drawn to DNA as depicted by SEQ ID NO.:5, classified in class 536, subclass 23.1. This election is made with traverse.

The Examiner asserts that Groups I through V are distinct from one another inasmuch as the groups are drawn to sequences differing in length and base pair sequences. The Examiner further asserts that the different lengths and sequences would confer different characteristics and functions to resulting molecules. Applicants respectfully traverse the assertion that the groups should be prosecuted as separate inventions noting that there is a high level of commonality among the sequences. A diligent search of SEQ ID NO.:5 would necessarily yield results common to those found in searches of the remaining SEQ IDs, as the remaining SEQ IDs are

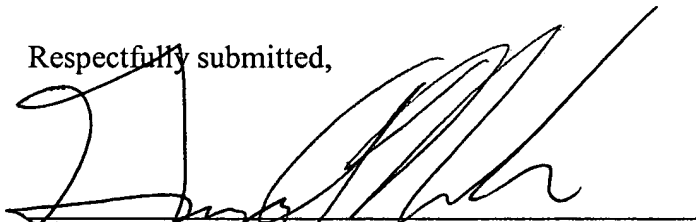
In re: Application of LEMANSKI et al.
Serial No.: 10/822,496
Examiner: TSAY, Marsha M.
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contained in SEQ ID NO.:5. Applicants respectfully suggest that lifting the restriction requirement and prosecuting the groups as a single invention would result in a significant savings of time and resources for both the Patent Office and Applicants.

The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications. Based on the above election, Applicants request removal of the restriction requirement and substantive examination of all elected claims. Applicants invite the Examiner to call the undersigned if it is believed that the above restriction election is incomplete or improper in any way, or if a telephonic interview will expedite the prosecution of the application to an allowance.

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Respectfully submitted,



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